

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

One 2000 Honda Accord, VIN #1HGCF8542YA137003;

One 2005 Denali Envoy, VIN # 1GKET63M452351248;

Defendants.

Civil No. 06-33-JD

AMENDED FINAL ORDER OF FORFEITURE WITH RESPECT TO
2005 DENALI ENVOY, VIN # 1GKET63M452351248

1. This action in rem was brought on January 31, 2006.
2. The United States has represented that it served a copy of the Complaint, along with the Notice of Complaint, Summons and Warrant of Arrest In Rem, and ECF Notices on all known parties with a potential interest in the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248, including Narin Van, by serving her attorney, Brian R. Barrington on April 21, 2006. According to the United States, Mr. Barrington had represented that he was authorized to accept service on behalf of his client.
3. On May 2, 2006, the United States served a copy of the Complaint, along with the Notice of Complaint, Summons and Warrant of Arrest In Rem, and ECF Notices on GMAC/Semperian, the lienholder with regard to the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248.
4. The U.S. Marshals Service caused a legal notice of this action in rem to be published in the Boston Herald on May 23, 2006, May 30, 2006, and June 6, 2006.

5. The only timely claimant asserting an interest in the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248 is GMAC/Semperian, which filed a timely claim, pursuant to 18 U.S.C. § 983(a)(4)(A), on May 15, 2006. Claims based on notice by publication were due no later than July 6, 2006.

6. The Verified Complaint for Forfeiture in Rem established probable cause to believe that the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248, was furnished or intended to be furnished in exchange for controlled substance, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture under 21 U.S.C. § 881(a)(6).

7. The Verified Complaint for Forfeiture In Rem also established probable cause to believe that the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248, was a conveyance which was used, or intended for use, to transport, and in any manner to facilitate the transportation, sale, receipt, possession, and concealment of controlled substances, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture under 21 U.S.C. § 881(a)(4).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That all right, title and interest to the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248 is hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. §§ 881(a)(4) and (6), free from the claims of any other party.

B. That the defendant in rem 2005 Denali Envoy, VIN # 1GKET63M452351248 shall be disposed of by the United States Marshals Service in accordance with the applicable law and regulations. This vehicle shall be released to the Drug Enforcement Administration upon payment of GMAC/Semperian's lien.

The Clerk is hereby directed to send three certified copies of this Order to the United States Attorney's Office, Attention: Assistant U.S. Attorney Jean B. Weld, and a copy to all counsel of record.

Dated: September 8, 2006

/s/ Joseph A. DiClerico, Jr.

UNITED STATES DISTRICT JUDGE